

REMARKS

Claims 24, 25, 27, 28, 33 and 34 are pending. Claims 1-23, 29-32 and 35-38 are withdrawn from consideration. Claim 26 is cancelled.

Claim 24 has been amended to more clearly define the claimed invention. Dependent claims 27, 28, 33 and 34 have been amended to make them consistent with the amended claim 24.

Claim 24, as amended, recites a system for selling goods having multiple purchase obtaining facilities for enabling customers to obtain pre-ordered purchases, comprising:

- a storage facility for storing the goods,
- an ordering device for enabling a customer to place a purchase order,
- a telecommunication system responsive to the purchase order placed by the customer for requesting an ordered purchase to be delivered from the storage facility to a selected purchase obtaining facility.

The selected purchase obtaining facility comprises:

- multiple purchase pick-up points,
- a service area for keeping purchases delivered from the storage facility,
- an identification station for receiving identification (ID) data provided by the customer arriving at the selected purchase obtaining facility to obtain the ordered purchase, and
- a control system configured for:
 - receiving the ID data from the identification station,
 - determining purchase information on the purchase order placed by the customer based on the ID data provided by the customer,

-automatically assigning a purchase pick-up point of the multiple purchase pick-up points to the customer, and

-based on the determined purchase information, issuing a request for delivery the ordered purchase from the service area to the purchase pick-up point assigned to the customer.

It is noted that claims 24-26, 33 and 34 stand rejected under 35 U.S.C. 103 as being unpatentable over Domain (5,158,155) in view of Eckelt (5,206,643).

Considering the references, Domain discloses a Vendors' Structural Complex that consolidates several vendors of retail goods and services, or a single vendor that provides various goods and services in a single drive-through complex (col. 1, lines 6-13).

The complex "is comprised of a central warehouse facility, several customer order stations interconnected with the warehouse facility, several customer pick-up stations interconnected with the warehouse facility, and a network of vehicle routing lanes extending through the warehouse facility and passing by the customer order stations and pick-up stations. Customers using the Complex are directed along the routing lanes to an order station where they place orders for goods and/or services provided by the vendors housed in the Vendors' Complex. The customers are then directed to drive to a particular pick-up station where they receive their ordered goods." (col. 2, lines 33-46).

Eckelt discloses that when the customer rents a car, he introduces his identification card. The control computer checks the card and determines whether this card entitles the user to rent a vehicle. Then, the computer imparts the identification data to the control unit of the appropriate parking lot where the desired vehicle is parked. When the customer proceeds to the parking lot, the control unit releases the access door to the parking lot (col. 3, lines 29-51).

When the rented vehicle is returned, the customer identifies himself by inserting his identification card into the card reader. The control unit assigns to the vehicle a particular parking space to which the vehicle is guided.

Accordingly, even if Domain were combined with Eckelt, the combined teachings would not suggest the respective claimed elements configured for:

- requesting an ordered purchase to be delivered from the storage facility to a service area of a selected purchase obtaining facility,

- receiving identification (ID) data provided by the customer arriving at the selected purchase obtaining facility to obtain the ordered purchase,

- determining purchase information on the purchase order placed by the customer based on the ID data provided by the customer,

- automatically assigning a purchase pick-up point of the multiple purchase pick-up points to the customer, and

- based on the determined purchase information, issuing a request for delivery the ordered purchase from the service area to the purchase pick-up point assigned to the customer.

Therefore, the combination of Domain with Eckelt is not sufficient to arrive at the invention recited in the amended claim 24.

Accordingly, the claimed subject matter is defined over the reference combination applied by the Examiner.

Application No.: 09/788,674

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Alexander V. Yampolsky
Registration No. 36,324

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 AVY:apr
Facsimile: 202.756.8087
Date: May 22, 2006

**Please recognize our Customer No. 20277
as our correspondence address.**